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STATE OF WISCONSIN
REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARTIAL H. LEDVINA
RESPONDENT.

FINAL DECISION AND ORDER

The State of Wisconsin, Real Estate Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Real Estate Board.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated this 28 day of June, 1990.

John Jackson

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARTIAL H. LEDVINA
RESPONDENT.

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PROPOSED DECISION

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.53 are:

Martial Ledvina
P.O. Box 2358
Arizona City, AZ 85223

Real Estate Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A hearing in this matter was held on June 4, 1990. The State appeared by attorney Richard Castelnovo. Respondent Martial Ledvina, who had been representing himself through these proceedings and who had been given notice of the time and place of the hearing, did not appear. The issue at the hearing was limited to the discipline, if any, to be imposed upon respondent Ledvina based upon his admission of the allegations contained in the complaint in this matter, and to the relevance of certain allegations relating to respondent's practice of law. The examiner had previously entered an order granting the State a decision on the pleadings, and the Real Estate Board had previously entered an order temporarily suspending respondent's license to practice real estate in the state of Wisconsin.

On the basis of all the files and proceedings held in this matter, the examiner recommends that the Real Estate Board adopt the following Findings of Fact, Conclusions of Law, Order and Opinion as its Final Decision in this matter.

7. By Order dated July 19, 1988, In the matter of Disciplinary Proceedings against Martial H. Ledvina, Attorney at Law, Case No. 88-1288-D, the Supreme Court entered an order revoking Ledvina's license to practice law.

8. Ledvina failed to send to the Department a copy of the Complaint or other information which describes the nature of the crime and the Judgment of Conviction within 30 days after the Judgment of Conviction alleged in paragraph 3.

CONCLUSIONS OF LAW

1. The Real Board has jurisdiction in this matter pursuant to Wis. Stats. sec. 452.14

2. Ledvina's acts, as set forth in Findings of Fact 2 through 8, inclusive, constituted violation of sec. 452.14(3)(k), Wis. Stats., being guilty of conduct which constitutes improper, fraudulent or dishonest dealings; sec. RL 24.17(1), Wis. Adm. Code, violation of any law, the circumstances of which substantially relate to the practices of a real estate broker; sec. RL 24.17(1) Wis. Adm. Code, failure to send to the Department within 30 days after the Judgment of Conviction, a copy of the Complaint or other information which describes the nature of the crime and the Judgment of Conviction; sec. RL 24.17(2), Wis. Adm. Code, conviction of any crime, the circumstances of which substantially relate to the practice of real estate; and sec. RL 24.01(3), Wis. Adm. Code, by virtue of the violations of Chapter 24, Wis. Adm. Code and, thereby has demonstrated incompetency to act as a broker or salesperson in such a manner as to safeguard the interests of the public under sec. 452.14(3)(i), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Martial Ledvina to practice as a real estate broker in the State of Wisconsin be, and hereby is, REVOKED, effective thirty days from the date of this order.

FURTHERMORE, IT IS ORDERED, that respondent shall return his license to the board offices on or before the effective date of this order.

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is July 2, 1990

WLD:dms
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